

February 6, 2017

BY ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123; *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51

Dear Ms. Dortch:

On February 20, 2015, Sorenson Communications, LLC (“Sorenson”) filed a Petition for Waiver to allow verified Video Relay Service (“VRS”) users traveling abroad for more than 28 days to place calls to the United States, and to do so without having to pre-register their travel with their provider.¹ The Consumer Groups filed comments in support.² In light of additional considerations that developed over the nearly two years since its original filing, Sorenson hereby provides additional support for its Petition for Waiver. Further, in addition to the original relief requested, Sorenson updates the relief requested by the Petition to (1) enable any eligible VRS users who are registered in the TRS User Registration Database (“TRS-URD”) to place VRS calls while traveling abroad on a trip lasting up to one year in duration without having to pre-register with their provider, and (2) enable any eligible VRS users who are either (a) deployed abroad by our government, such as military personnel, diplomats, and other government workers, or (b) family members of someone who is deployed abroad, to place VRS calls for the duration of the deployment without having to pre-register with their provider.

Under the current rules, deaf Americans may place VRS calls to the United States while traveling internationally only if they notify their VRS provider of their travel plans *before* leaving the United States, and only if the trip will last 28 days or less.³ These limitations sprung

¹ Petition for Waiver, CG Docket Nos. 03-123, 10-51 (filed Feb. 20, 2015) (“Petition for Waiver”).

² Consumer Group Comments on Sorenson’s Petition for Waiver and Purple’s Request, CG Docket Nos. 03-123, 10-51 (filed Mar. 25, 2015) (“Consumer Group Comments”).

³ See 47 C.F.R. § 64.604(a)(7); *Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, FCC No. 11-54, 26 FCC Rcd. 5545, 5564 ¶ 32 (2011).

from the Commission's investigation into fraudulent VRS calls and were designed to reduce the risk of fraudulent VRS calls originating abroad.⁴

In its Petition for Waiver, Sorenson explained the unintended consequences of these rules and how they substantially impair eligible VRS users from using VRS in a functionally equivalent manner and potentially risk the safety of VRS users traveling abroad.⁵ For the many users who forget to pre-register, change their itineraries during their trip, or stay abroad longer than 28 days, the same situation repeats itself numerous times each month: users in the midst of international travel discover that they cannot place calls. This is not functionally equivalent to hearing individuals who have no such limitations and restrictions on their ability to call the United States. The Consumer Groups submitted additional information regarding these unintended consequences in support of Sorenson's Petition.⁶ Sorenson also explained how these rules are unnecessary to accomplish their purpose because VRS providers' ability to cross-check the caller's location against the location the user had provided does not depend on the user having reported a trip *before* leaving the country or on the user limiting his trip to 28 days. For these reasons, Sorenson argued that the Commission had ample good cause to allow deaf and hard-of-hearing VRS users to place calls from abroad in circumstances beyond what its rules permitted.

In addition to these original reasons, Sorenson offers two further considerations showing that the Commission's rules limiting VRS users' ability to make VRS calls while abroad are not necessary to combat fraud in VRS. First, Sorenson notes that in order to receive compensation for VRS calls, VRS providers collect and provide to the Fund Administrator in their monthly data submissions the incoming telephone numbers and IP addresses at the time of the call for each call for which they seek compensation.⁷ Because this information enables providers and the Fund Administrator to detect where VRS calls originate, they can determine whether the call is compensable without the need to impose further limitations on eligible VRS users. Providers have been consistently complying with this requirement for more than five years, thus minimizing the risk of fraudulent calls originating abroad.

Second, the TRS-URD is yet another safeguard against fraud in VRS. Because providers will have to query this centralized database on a per-call basis to determine if a VRS call is originating from an eligible, registered user and thus eligible for compensation, the TRS-URD will be a significant protection against fraud. Moreover, even before the system goes live, providers have been collecting from their users and submitting the required registration information, including name, address, phone number, and last four digits of the user's Social Security or Tribal Identification Number. Permitting users who have been registered in the TRS-

⁴ *Id.*

⁵ See Petition for Waiver at 1-3.

⁶ See Consumer Group Comments at 3-4.

⁷ See 47 C.F.R. § 64.604(c)(5)(iii)(D)(2).

URD to make VRS calls when abroad will not increase the risk of fraudulent VRS calls originating abroad.

In light of these protections against fraudulent VRS calls, Sorenson reiterates that strict application of the rules is not only inconsistent with the Commission's goal of furthering functional equivalence, but it may also jeopardize the health and safety of VRS users traveling abroad. This is not an abstraction: as the Consumer Groups shared with the Commission years ago, deaf users have faced significant obstacles, the likes of which hearing users would never face, by being unable to use VRS while traveling.⁸ Furthermore, strict application of the rules prevents deaf users who deploy or are stationed abroad in service to this country for more than 28 days—whether in the military, diplomatic ranks, or other capacity on behalf of the government—from using VRS. While unintended, these are very real consequences of the Commission's rules that should be remedied.

Accordingly, Sorenson respectfully updates the relief requested in its Petition for Waiver and requests that the Commission waive its rules to (1) enable any eligible VRS users who are registered in the TRS-URD to place VRS calls while traveling abroad on a trip lasting up to one year in duration without having to pre-register with their provider, and (2) enable any eligible VRS users who are either (a) deployed abroad by our government, such as military personnel, diplomats, and other government workers, or (b) family members of someone who is deployed abroad, to place VRS calls for the duration of the deployment without having to pre-register with their provider.

Sincerely,



John T. Nakahata
Counsel to Sorenson Communications, LLC

⁸ See National Association of Deaf; Telecommunications for the Deaf and Hard of Hearing, Inc.; Association of Late-Deafened Adults, Inc.; American Association of the Deaf- Blind; Deaf and Hard of Hearing Consumer Advocacy Network; and California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc. Request for Reconsideration and Clarification of Part III, Section E: International Calls at 4, CG Docket No. 10-51 (filed June 1, 2011).